

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PLAINTIFF'S MOTION FOR REQUEST FOR RECONSIDERATION
OF ORDER ON DEFAULT JUDGMENT AND REQUEST FOR ORAL ARGUMENT

CIVIL ACTION
NO. 04-40064-FDS

CHARTER COMMUNICATIONS]
ENTERTAINMENT I, LLC d/b/a]
CHARTER COMMUNICATIONS,]
] v.]
INES CINTRON, Defendant]

CIVIL ACTION
NO. 04-40081-FDS

CHARTER COMMUNICATIONS]
ENTERTAINMENT I, LLC d/b/a]
CHARTER COMMUNICATIONS,]
] v.]
DENNIS SOSA, Defendant]

CIVIL ACTION
NO. 04-40098-FDS

CHARTER COMMUNICATIONS]
ENTERTAINMENT I, LLC d/b/a]
CHARTER COMMUNICATIONS,]
] v.]
THOMAS A/K/A TOM BURDULIS,]
Defendant.]

**PLAINTIFF'S MOTION FOR REQUEST FOR RECONSIDERATION
OF ORDER ON DEFAULT JUDGMENT AND REQUEST FOR ORAL ARGUMENT**

Plaintiff, Charter Communications Entertainment I, LLC d/b/a Charter Communications (“Charter”), hereby respectfully moves for the Court to reconsider its Memorandum on Plaintiff’s Motions for Default Judgment of January 11, 2005 in the above-referenced cases (“Memorandum”) and hereby requests Oral Argument for the issues addressed in its Motion for Reconsideration. Reconsideration is appropriate because the Court’s Memorandum discussed legal issues relative to the amount of damages to be assessed, and determined, *inter alia*, that (1) 47 U.S.C. § 605 is inapplicable to theft of cable signals transmitted “over a cable wire” and (2) the Court would adopt a policy of determining civil damages under 47 U.S.C. § 553(c)(3)(A)(II) based on “a reasonable estimate of actual damages” rather than allowing the maximum statutory damages of \$10,000. Charter appreciates and acknowledges the Court’s careful consideration of the issues addressed in the Memorandum. Nevertheless, the above conclusions depart substantially from (a) over four years of practice and precedent in the Central Division, (b) persuasive case law, and (c) legislative history interpreting the applicable statutory provisions. Furthermore, Charter hereby requests Oral Argument concerning these issues and the Court’s Memorandum.

Charter submits herewith its Memorandum of Law in support of its Motion for Request for Reconsideration of Order on Default Judgment and Request for Oral Argument.

PLAINTIFF — CHARTER COMMUNICATIONS
ENTERTAINMENT I, LLC d/b/a CHARTER
COMMUNICATIONS

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Dated: January 25, 2005

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Request for Reconsideration was mailed first-class, postage prepaid, on January 25, 2005 to:

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